

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Karen Thomas, Case Manager
Joel Lawson, Associate Director Development Review

DATE: November 26, 2013

SUBJECT: BZA Case 18655 – Application of Bank of America, pursuant to 11 DCMR §§§ 3104.1, 1304.1 and 1325, for a special exception to exceed the 20 percent limit on the amount of the ground floor that may be devoted to banks under subsection 1302.4(a) in order to install an automatic teller machine (ATM) banking center in the HS-R/C-2-A District at premises 1102 H Street, N.E. (Square 981, Lot 806).

I. OFFICE OF PLANNING RECOMMENDATION

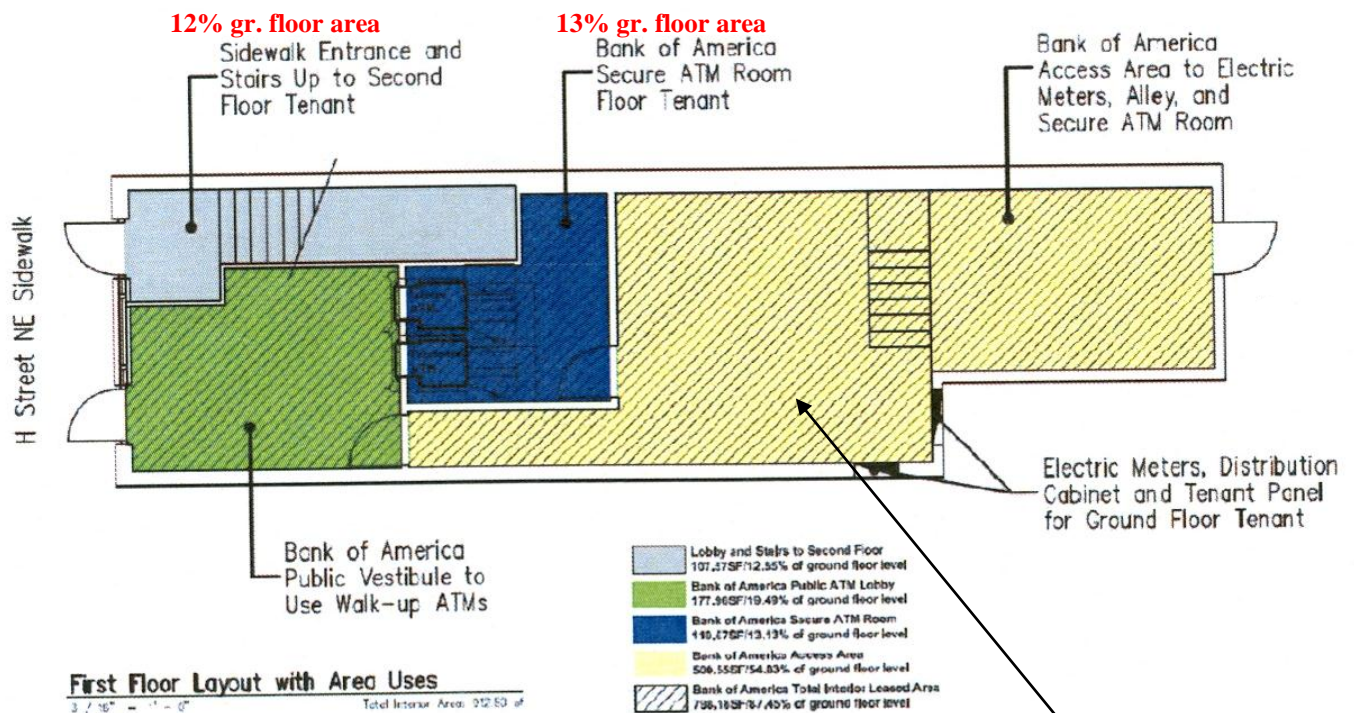
The Office of Planning (OP) recommends **approval of special exception relief** from the requirement of § 1302.4 (a) (20% maximum permitted, 87.45% proposed) – pursuant to §§ 3104, 1304.1 and §1325.

II. LOCATION AND SITE DESCRIPTION

Address	1102 H Street NE
Legal Description	Square 981, Lot 806
Ward/ANC	6/ANC 6A
Lot Characteristics	Small, flat lot with no legal alley access.
Zoning	HS-R/C-2-A
Existing Development	2-story row structure in a commercial district.
Historic District	<i>None</i>
Adjacent Properties	Abutting commercial row structures on both sides and at the rear.
Surrounding Neighborhood Character	The H Street Corridor in this vicinity is comprised of a number of small commercial businesses located in long-standing row structures within the C-2-A District. It is currently undergoing redevelopment of some of the larger parcels, including development of new mixed-use buildings with multi-unit residential uses above ground floor retail spaces.

III. APPLICATION-IN-BRIEF

The applicant, Bank of America has proposed the use of the entire area of the ground floor of the commercial row structure at 1102 H St., NE for the installation of its bank ATM. The existing 1,330 square-foot lot is developed with a row structure at 68% lot occupancy with no legal alley access at its rear. The proposed customer lobby would be just under 20% of the first floor area and would be the only public area on the floor to provide customer access to the walk-up ATM's. The ATMs would be installed in a secure area behind the customer lobby, with accessory electronic equipment and electrical cabinets required for the ATMs to function. The facility will be unmanned with infrequent visits by technicians to service the ATMs and its related equipment. This secure area represents about 13% of the ground floor space. (No plumbing would be installed at this level.)



Largely unused space that cannot be leased to other tenant (54% of floor area)

SPACE ANALYSIS (A00.00 – Submitted Plan)

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

The Zoning Administrator determined that an ATM facility would be classified as a bank. Therefore, special exception relief is required from the H Street overlay requirement that no more than twenty percent (20%) of the ground level floor area be devoted to banks § 1302.4(a), pursuant to §§ 1304 and 1325.

V. OFFICE OF PLANNING ANALYSIS

1304 SPECIAL EXCEPTIONS (NC)

1304.1 Exceptions from the requirements of this chapter shall be permitted only as a special exception, if approved by the Board of Zoning Adjustment after public hearing, in accordance with § 3104, and subject to the following requirements:

- (a) The excepted use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the NC Overlay District and the particular NC Overlay District, and will not adversely affect neighboring property, nor be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity;*

The purposes of the **NC Overlay District** are to:

- (a) Encourage a scale of development, a mixture of building uses, and other attributes, such as safe and efficient conditions for pedestrian and vehicular movement, all of which will be as generally required by the Comprehensive Plan;*

The existing structure historically accommodated a mixture of uses as anticipated by the Comprehensive Plan. There is no information that the proposed ATM facility will create unsafe conditions for pedestrian or vehicular movement. Typically, ATM facilities exist or are permitted uses in commercial districts.

- (b) Encourage retention and establishment of a variety of retail, entertainment, and personal service establishments, predominantly in a continuous pattern at ground level, so as to meet the needs of the surrounding area's residents, workers, and visitors; and*

The proposed location on the ground level would continue to meet the demands of the bank's existing customers, as this location would represent a relocation of facilities at 961 H Street NE, two blocks to the west. At a pedestrian ground level, it would be more convenient for pedestrian-oriented customers.

- (c) Limit the maximum permitted height of new buildings so as to encourage a general compatibility in scale between new and older buildings.*

The ATM machines would be located within an existing structure.

The proposed use as an automated teller machine facility (ATM) would not be detrimental to the health, safety, and general welfare of persons residing in the community. No noise would emanate from the facility, nor would it attract vehicular traffic since it would be a pedestrian-oriented facility, to provide service to both residential and commercial customers in the area who may make after-hours deposits or withdrawals. To date, Bank of America and another commercial bank are the only two full-service bank operators along the commercial corridor of the H Street Overlay.

(b) Exceptional circumstances exist, pertaining to the property itself or to economic or physical conditions in the immediate area, that justify the exception or waiver;

The property is encumbered with exceptional circumstances that would justify an exception to the occupancy limitation on the ground floor by a commercial bank, including:

- Small lot size (1,330 sf.) and building footprint (913 sf.) (68% lot occupancy);
- No legal alley access at rear;
- Inefficient floor layout at the ground level.

The above factors, in combination make it difficult for the property owner to lease the ground floor space to contemporary uses, without a complete renovation of the row structure. Currently, the second floor is leased and is accessed via an entrance from H Street, which occupies at least 12% of the ground floor area. The proposed installation of the ATM, including two machines, lobby area and related accessory area would occupy 798 square feet of the ground floor. While the ATM and lobby area would satisfy the occupancy requirement for a bank within the small building (178 sf. (19.5%)), the service area and secure access area for the machines (620 sf.), located at the rear of the machines would invariably extend the ATM facility's footprint beyond the regulation's 20% ground floor occupancy limitation. The remaining area of the ground floor (115 sf.) is devoted to the stairway to access the second floor. Thus, the ground floor is only 14 feet (max.) in width and only widens to the full width of the building (17 feet) at 18 feet into the building and narrows again where the rear is elevated at 4 feet. It is impractical to divide the ground floor into two separate retail spaces, due to this poor configuration. Therefore, the bank has to lease the entire area.

Since the building has no legal alley access, loading and service deliveries, as well as trash placement for more intense and permitted uses would have to occur along the H Street frontage. This presented concerns to potential lessees as those functions would be further hindered by the bus stop located immediately in front of the building, which would make it difficult for trucks to stop at this location. Thus, the landlord experienced difficulty in leasing the ground level space to other commercial tenants and it has been vacant for over two years. The bank has been the only viable offer for the lower level due to its low maintenance and service requirements.

(c) Vehicular access and egress are located and designed so as to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions; and

No vehicular access would be available to customers who would use the facility. There is no alley at the rear of this commercial building. Metered on-street parking is available to customers who may drive to the bank's ATM facility. The bank's existing drive-thru facility at 961 H Street NE would be closed at a future date and the proposed facility at 1102 H Street is intended as its replacement (without the drive-thru). Therefore, no objectionable conditions due to traffic are anticipated.

(d) The Board may impose requirements pertaining to design, appearance, signs, size, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the NC Overlay District and the particular overlay district.

The applicant is currently working with the landlord's architects to satisfy the signage and other design requirements of the H Street Overlay District, including the provision of the required configuration, materials and finishes for its storefront windows, as discussed in the applicant's statement (page 6).

1304.2 *This section shall not operate to allow any exception to the height or floor area ratio limits of any NC Overlay District.*

This application does not include such requests.

1325 SPECIAL EXCEPTION REQUIREMENTS (HS)

1325.1 The buildings, structures, and uses listed in § 1320.4 and exceptions from the requirements of the H Street Overlay District shall be permitted as a special exception if approved by the Board of Zoning Adjustment after public hearing, based on § 3104, provided the following criteria and the requirements of § 1304 are met:

(a) *The project is consistent with the design intent of the **design requirements of § 1324** and the design guidelines of the H Street N.E. Strategic Development Plan;*

1324 DESIGN REQUIREMENTS (HS)

§ 1324.1 - § 1324.4 - These requirements relate to the development of new structures within the overlay. Therefore these requirements are not applicable in this case.

§ 1324.5- §1324.7 – Not applicable, as rules relate to residential uses and parking structures.

§ 1324.11 – 1324.13 – regulates design for new structures or additions. This is not applicable in this instance.

§ 1324.8 *Each commercial use with frontage on H Street, N.E., Florida Avenue, N.E., Maryland Avenue, N.E., 13th Street, N.E., 14th Street, N.E., or 15th Street, N.E. shall devote not less than fifty percent (50%) of the surface area of the street wall(s) at the ground level of each building to display windows having clear or clear/low-emissivity glass, except for decorative or architectural accent, and to entrances to commercial uses or to the building.*

Submitted plans show that this requirement would be met, as more than 50% of the ground level streetwall would be devoted to clear display windows.

§ 1324.9 *Security grilles shall have no less than seventy percent (70%) transparency.*

No security grilles are included in the storefront design.

§ 1324.10 *Each commercial use with frontage on H Street, N.E., Florida Avenue, N.E., Maryland Avenue, N.E., 13th Street N.E., 14th Street, N.E., or 15th Street, N.E. shall have an individual public entrance directly accessible from the public sidewalk. Multiple-dwellings shall have at least one (1) primary entrance on H Street directly accessible from the sidewalk.*

The ATM lobby would be accessed directly from H Street.

§ 1324.14 *Projection signs shall have a minimum clearance of eight feet (8 ft.) above a sidewalk and fourteen feet (14 ft.) above a driveway, project no more than three feet, six inches (3 ft., 6 in.) from the face of the building, and end a minimum of one foot (1 ft.) behind the curb line or extension of the curb line.*

The proposed sign would be approximately 14 feet above the sidewalk, according to plans. (A02.2)

§ 1324.15 *Façade panel signs shall not be placed so as to interrupt windows or doors and shall project no more than twelve inches (12 in.) from the face of the building.*

§ 1324.16 *Roof signs are prohibited.* – No roof signs are proposed.

H Street NE Strategic Development Plan Design Guidelines

The proposed installation of the ATM and related lobby must comply with the H Street Plan Design Guidelines, including storefront configuration, materials finishes, window and doors. Guidelines related to canopies, walls, roofs and parapets are not applicable in this case, since the ATM installation does not propose any changes to the second floor or roof line. The windows and doors would be more than 50% transparent glass, set no more than 12 inches from the ceiling and 18 inches above the ground. Windows and doors would be made of painted aluminum or wood in a metal frame and would provide an unobstructed view into the lobby. No other changes are proposed to other doors on the building. No security or service door would face the street and no wire mesh would be used for security purposes along the storefront. The proposed installation would satisfy these guidelines.

- (b) *The architectural design of the project shall enhance the urban design features of the immediate vicinity in which it is located; and, if a historic district or historic landmark is involved, the Office of Planning report to the Board shall include review by the State Historic Preservation Officer and a status of the project's review by the Historic Preservation Review Board;*

The building is not located within a historic district.

- (c) *Vehicular access and egress shall be located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, function efficiently, and create no dangerous or otherwise objectionable traffic conditions;*

As previously stated, the installation would be geared primarily to pedestrian customers, as no on-site parking can be provided.

- (d) *Parking and traffic conditions associated with the operation of a proposed use shall not adversely affect adjacent or nearby residences;*

No parking and traffic conditions would be directly attributed to the ATM facility, as previously discussed.

- (e) *Noise associated with the operation of a proposed use shall not adversely affect adjacent or nearby residences; and*

No appreciable noise is anticipated from the facility since it would be an automated facility.

- (f) *The size, type, scale, and location of signs shall be compatible with the surrounding corridor and consistent the design guidelines of the H Street N.E. Strategic Development Plan.*

The size, location and scale of the sign would be designed to satisfy the requirements of the H Street Strategic Plan design Guidelines and it would be fully reviewed at the building permit stage for compliance as well.

- 1325.2 An applicant may demonstrate compliance with § 1325.1(f) by demonstrating that the signage will be exclusively located on upper facades, awnings, and transom windows, constructed of durable materials, and sensitively designed; and will not affect more than twenty percent (20%) of display windows, consist of backlit box signs or neon product advertisements, block visibility into a store, or be overly obtrusive.*

The signage would be appropriately designed according to the standards of the H Street Strategic Development Plan Design Guidelines. It would be located above the first floor façade, above the window area and will not consist of backlit box signs or block visibility into the lobby area.

- 1325.3 The Board may impose requirements pertaining to design, appearance, signs, massing, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the H Street Overlay District.*

OP does not suggest any additional treatment. Signage would also be reviewed by the Department of Consumer and Regulatory Affairs at the permitting stage.

- 1325.4 Applicants shall demonstrate that projects requiring a special exception shall be consistent with the design intent of the design requirements, of § 1324 and the design guidelines of the H Street Strategic Development Plan.*

As outlined in preceding sections and documented in the applicant's plan, the installation at this location would be consistent with the intent of the design requirements of this section and the guidelines of the H Street Strategic Development Plan.

i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposal is in harmony with the intent of the regulations, since it would be impossible to lease a portion of the ground space to satisfy the 20% requirement for this use, as the rear portion of the irregular ground floor would remain as vacant and unused space. This inadvertently increases the leased space well beyond what may be necessary for the ATM's functionality, but is in large part due to the ground floor's size, layout and limited access.

ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The use of neighboring property would not be adversely affected, since it is a low intensity use that would not produce noise or other objectionable conditions to affect abutting commercial uses.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

OP has not received agency comments to date. The District Department of Transportation (DDOT) would submit its comments under separate cover.

VII. COMMUNITY COMMENTS

At its regularly held meeting on June 19, 2013 the Economic Development and Zoning Committee of the ANC 6A voted 4-2 to disapprove the application on grounds that such a facility would provide "no regular

employment, retail, or food and is considered to be dead to the life of the street.” At the Committee’s September 18, 2013 meeting, they adopted its previous recommendation opposing the application.

Attachment: Location Map



Zoning and Location Map

